

Application no. 10/069,020
Attorney docket no. 031780-0290586
Page 8

REMARKS

I. Status of the claims

Claims 1, 2, 4-8, 11, 12, and 14-27 are pending. Claims 11, 12, and 14-27 have been withdrawn, and claims 1, 2, and 4-8 have been rejected. In this response, the applicants have amended independent claims 1 and 11 by incorporating a portion of the subject matter originally recited in dependent claims 5 and 15. Dependent claims 5 and 15 have also been amended in view of the amendments made to the independent claims. No new matter is believed to have been introduced herein.

II. Restriction requirement

The examiner has withdrawn claims 11, 12, and 14-27 as being directed to a nonelected invention. Independent claim 11 and dependent claims 12 and 14-27 recite processes for the melt impregnation or melt coating of components wherein step (i) comprises melting the hot-melt resin recited in claim 1. When the examiner determines that the hot-melt resin of claim 1 is allowable, the applicant respectfully request that the examiner rejoin and allow method claims 11, 12, and 14-27, as the method claims recite all the product limitations currently recited in the product claim. See MPEP § 821.04.

III. Rejection of claims 1, 2, and 4-8 over Blum

The examiner has rejected claims 1, 2, and 4-8 under 35 U.S.C. § 103(a) as being unpatentable over PCT Application No. WO 97/25361 or its U.S. equivalent, U.S. Patent No. 6,133,337, to Blum et al. ("Blum"). The examiner states that Blum teaches reactive prepolymeric organic compounds that have structures having abstractable hydrogens that include isoprenyl groups and dicyclopentadiene that can be cured without free radical initiators. The reactive prepolymeric organic compounds taught in Blum may be, according to the examiner, combined with an unsaturated polyester. The examiner cited col. 3, lines 22-40 of Blum to support the suggestion for this combination.

However, in col. 3, lines 22-40, Blum states that the reactive prepolymeric organic compounds may be incorporated with mixtures of unsaturated polyester resins which are based on α,β -olefinically unsaturated dicarboxylic acids and are devoid of groups having readily abstractable hydrogens. See, in particular, col. 3, lines 27-32 (emphasis added).

30489591v1

Application no. 10/069,020
Attorney docket no. 031780-0290586
Page 9

In contrast to the unsaturated polyester resins that are *devoid* of groups having readily abstractable hydrogens, Blum identifies other compounds that *contain* readily abstractable hydrogens. The compounds that contain readily abstractable hydrogens are identified in formulas (I)-(IV) in col. 2, line 11 to col. 3, line 20. Therefore, according to Blum, the compounds identified in formulas (I)-(IV) that contain readily abstractable hydrogens represent a different group of compounds than the unsaturated polyester resins disclosed in col. 2, lines 27-32 that are devoid of abstractable hydrogens.

This difference is important in view of the applicants' claimed invention. The unsaturated polyester recited in claim 1 of the applicants' invention has at least one structural unit of formula I and/or at least one structural unit of formula II—structures that, according to Blum, contain readily abstractable hydrogens. Yet Blum discloses that unsaturated polyester resins to be added to the prepolymeric organic compounds are devoid of readily abstractable hydrogens. Therefore, the unsaturated polyester resins disclosed by Blum that may be added to the prepolymeric organic compounds are different than the unsaturated polyesters recited in the applicants' claims. In fact, the teachings of Blum appear to teach away from adding to the prepolymeric organic compound an unsaturated polyester that contains readily abstractable hydrogens.

In other words, while formula I and formula II in the applicants' claimed invention correspond with formula (I) and formula (III) of Blum, respectively, the compounds associated with those formulas are used for different purposes. In Blum, the formulas represent preferred compounds of the reactive prepolymeric organic compounds. In the applicants' claimed invention, the formulas represent a structural unit present in the unsaturated polyesters.

Additionally, the polyesters disclosed in Blum in columns 9 and 10 are not polyesters that may be added to the reactive prepolymeric organic compounds. Rather, this passage relates to the polyesters that are the basis for the specific reactive prepolymeric organic compounds.

In sum, since the applicants recite unsaturated polyesters, which, as defined by Blum, have readily abstractable hydrogens, and Blum discloses that the unsaturated polyesters added to the prepolymeric organic compounds are devoid of readily abstractable hydrogens, Blum does not teach or suggest the applicants' claimed invention. Accordingly, the

Application no. 10/069,020
Attorney docket no. 031780-0290586
Page 10

applicants respectfully request that the examiner withdraw this rejection under 35 U.S.C. § 103(a).

IV. Obviousness-type Double Patenting

The examiner has provisionally rejected claims 1, 2, and 4-8 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of copending U.S. Application No. 10/181,134.

The applicants respectfully request that this provisional rejection be held in abeyance until the application cited in this rejection issues.

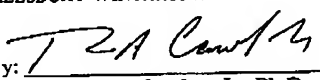
V. Conclusion

The applicants request reconsideration of this application in view of the amendments and remarks set forth above. For any unresolved issues, the examiner is encouraged to contact the undersigned attorney for the applicants at the telephone number indicated below in order to expeditiously resolve such issues.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By:


Thomas A. Cawley, Jr., Ph.D.
Registration No. 40,944
Direct No. (703) 905-2144

Date: November 1, 2004

P.O. Box 10500
McLean, VA 22102
(703) 905-2500 Facsimile

30489591v1